IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 1772 OF 2007

Balkrishna Namdeo Katkade ...Petitioner

versus

State of Maharasthra and others ...

Respondents

Mr. Bhavesh Parmar, with Ms. Manisha Virkhare, for the petitioner.
Mr. K.R. Belosay, Government Pleader, for respondent No.1.
Mr. G.S. Hegde for respondent Nos. 2 and 3.

CORAM: **SWATANTER KUMAR, C.J.** &
DR. D.Y. CHANDRACHUD, J.

DATE: **SEPTEMBER 29, 2007**.

P.C.

Challenge in this petition is to the order dated 19th December, 2005, reverting the petitioner from the post of General Manager (Legal) to the post of Deputy General Manager (Legal). Various contentions have been raised on behalf of the petitioner, while questioning the legality and correctness of the impugned order. It is not necessary for us to examine the merit or otherwise of the contentions raised in greater detail, particularly keeping in view the course of action that would be adopted while disposing of this writ petition.

2. During the course of hearing, learned counsel appearing for the respondent-Corporation, upon instructions from the concerned Officer present in court, submits that they would keep the impugned order dated 19th December, 2005, in abeyance and would treat the present writ petition as a representation against that order. The Managing Director or the Competent Authority under the Rules shall consider the said representation and pass appropriate orders disposing of the representation of the petitioner within a period of four weeks from today. The petitioner obviously would be at liberty to challenge the said order, if adverse to his interest, in accordance with law. In view of the statement made by the respondent-Corporation, nothing survives in this petition. The same is disposed of. The respondents shall abide by their statement. No order as to costs.

3. Learned counsel for the petitioner submits, without prejudice to his rights and contentions, that the petitioner at least for a period of four weeks would not press for posting as General Manager (Legal).

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.